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CONSTITUTION

(FUNDAMENTAL LAW)

of the

ESTONIAN

SOVIET SOCIALIST

REPUBLIC

of August 25, 1940

As Amended to November 1947

April 1950 50¢

American Russian Institute

58 Park Avenue · New York 16, New York

p. 1

5: Amer. Russ. Inst. (no date) 1950 RG4 Estonia RG4

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C O N S T I T U T I O N

(Fundamental Law)

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CONTENTS

		Page
Chapter I.	The Social Structure	1
Chapter II.	The State Structure	2
Chapter III.	The Higher Organs of State Power of the Estonian Soviet Socialist Republic	4
Chapter IV.	The Organs of State Administration of the Estonian Soviet Socialist Republic	6
Chapter V.	The Local Organs of State Power	9
Chapter VI.	The Budget of the Estonian Soviet Socialist Republic	11
Chapter VII.	The Courts and the Procurator's Office	11
Chapter VIII.	Fundamental Rights and Duties of Citizens	12
Chapter IX.	The Electoral System	15
Chapter X.	Arms, Flag, Capital	16
Chapter XI.	Procedure for Amending the Constitution	16

p. ii

000 Estonian SSR Errata (70,4 = Art. 70, line 4)
4, after "such enterprises" insert "banks, transport and means of communication". 18, add "Citizens of all other Union Republics enjoy on the territory of the Estonian SSR equal rights with citizens of the Estonian SSR". 19r,2 after "organizations" insert "and institutions". 31d, delete "and city". 31f, "Confers" not "Institutes". 47,5 before "Estonian" insert "USSR and of the Council of Ministers of the ". 66, add at end "subject to confirmation by the corresponding Ministries". 70,4 period after "Deputies", delete rest of sentence. 71,3 delete "Tallin...Paldiski". 71,4 after "Deputies" insert "of these cities". 93, delete "and collective farms".

p.iii

1

C O N S T I T U T I O N

(Fundamental Law)

of the

ESTONIAN

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of August 25, 1940

As amended to November 1947

Chapter I. The Social Structure

642 Art. 1. The Estonian Soviet Socialist Republic is a socialist state of workers and peasants.

Art. 2. The political foundation of the Estonian Soviet Socialist Republic is the Soviets of Working People's Deputies, firmly established as a result of the overthrow of the power of the capitalists and big landowners and the establishment of the dictatorship of the proletariat.

Art. 3. All power in the Estonian Soviet Socialist Republic belongs to the working people of town and country as represented by the Soviets of Working People's Deputies.

471 Art. 4. The economic foundation of the Estonian Soviet Socialist Republic is the socialist system of economy and the socialist ownership of the instruments and means of production, firmly established as the result of the liquidation of the capitalist system of economy, the abolition of private ownership of the instruments and means of production in large industrial enterprises and the nationalization of such enterprises with a view to the complete abolition of the exploitation of man by man and the construction of a socialist system of society.

Art. 5. Socialist property in the Estonian SSR exists either in the form of state property (belonging to the whole people) or in the form of co-operative property.

475 Art. 6. The land, its mineral wealth, waters, forests, mills, factories, mines, rail, water and air transport, banks, communications, 421 large state-organized agricultural enterprises (state farms, machine and tractor stations and the like), as well as municipal enterprises and the bulk of the dwelling houses in the cities and industrial localities, are state property, that is, belong to the whole people.

474 Art. 7. The common enterprises of co-operative organizations, with their livestock and implements, the products of co-operative organizations, 421 as well as their common buildings, constitute the common, socialist property of the co-operative organizations.

p. 1

1 [Errata: insert "banks, transport and means of communication." Cf. Errata sheet, Cat. 116, p. iii--Analyst]

[Estonian Constitution as of November, 1947]

472 Art. 8. Alongside the socialist system of economy in the Estonian SSR the law permits the small private economy of individual peasants, artisans and handicraftsmen and small private industrial and trading enterprises.

423 Art. 9. The land occupied by peasant holdings as provided by law is secured for their use free of charge and for an unlimited time.

421 Art. 10. The personal property right of citizens in their incomes and savings from work, in their dwelling houses and subsidiary home enterprises, in articles of domestic economy and use and articles of personal use and convenience, as well as the right of citizens to inherit personal property, is protected by law.

471 185 Art. 11. The economic life of the Estonian SSR is determined and directed by the state national-economic plan, with the aim of increasing the public wealth, of steadily raising the material and cultural standards of the working people, of consolidating the independence of the USSR and strengthening its defensive capacity.

461 Art. 12. Work in the Estonian SSR is a duty and a matter of honour for every able-bodied citizen, in accordance with the principle: "He who does not work, neither shall he eat."

The principle applied in the Estonian SSR is that of socialism: "From each according to his ability, to each according to his work."

Chapter II. The State Structure

642 Art. 13. For the purpose of mutual assistance among the Union Republics along economic and political lines, as well as along the line of defence, the Estonian SSR voluntarily united with the other equal Soviet Socialist Republics, namely:

The Russian Soviet Federative Socialist Republic,
The Ukrainian Soviet Socialist Republic,
The Byelorussian Soviet Socialist Republic,
The Uzbek Soviet Socialist Republic,
The Georgian Soviet Socialist Republic,
The Azerbaijan Soviet Socialist Republic,
The Lithuanian Soviet Socialist Republic,
The Kazakh Soviet Socialist Republic,
The Latvian Soviet Socialist Republic,
The Kirghiz Soviet Socialist Republic,
The Tajik Soviet Socialist Republic,
The Armenian Soviet Socialist Republic,
The Turkmen Soviet Socialist Republic,
The Moldavian Soviet Socialist Republic and
The Karelo-Finnish Soviet Socialist Republic

in a federal state, the Union of Soviet Socialist Republics.

Proceeding from the aforesaid, the Estonian SSR ensures to the USSR, as represented by its higher organs of state power and organs of state administration, the rights defined in Art. 14 of the Constitution of the USSR.

[Estonian Constitution as of November, 1947]

3

642 Outside of the spheres set forth in Art. 14 of the Constitution of the USSR, the Estonian SSR exercises state authority independently, retaining its sovereign rights in full.

[701] Art. 13a. The Estonian SSR has its own Republican military formations.

649 Art. 13b. The Estonian SSR has the right to enter into direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them.

631 Art. 14. The Estonian SSR consists of the districts of Kharjuma, Yarvama, Lyunema, Petserima, Pyarnuma, Sarema, Tartuma, Valgema, Vilyandima, Viruma, Vyruma; and of the cities of Tallin, Tartu, Narva, Pyarnu and Paldiski which do not form part of districts.

642 Art. 15. The Estonian SSR reserves the right freely to secede from the Union of Soviet Socialist Republics.

Art. 16. The territory of the Estonian SSR may not be altered without its consent.

Art. 17. The laws of the USSR are binding within the territory of the Estonian SSR.

641 Art. 18. Every citizen of the Estonian SSR is a citizen of the USSR. Citizens of all other Union Republics enjoy on the territory of the Estonian SSR equal rights with citizens of the Estonian SSR.[1]

642 Art. 19. The jurisdiction of the Estonian SSR as represented by its higher organs of state power and organs of state administration, embraces:

a) Adoption of the Constitution of the Estonian SSR and control over its observance;

b) Establishment of the administrative-territorial divisions of the Estonian SSR and of the boundaries of districts and volosts;

c) Legislation of the Estonian SSR;

d) Maintenance of public order and safeguarding the rights of citizens;

e) Approval of the national-economic plan of the Estonian SSR;

f) Approval of the state budget of the Estonian SSR and of the report on its fulfilment;

g) Determination of state and local taxes; imposts and non-tax revenues in conformity with the laws of the USSR, as well as direction of the fulfilment of local budgets;

h) Direction of insurance and savings;

i) Administration of the banks, industrial, agricultural and trading enterprises and organizations subordinate to the Republic, as well as direction of local industry;

j) Control and superintendence of the condition and administration of enterprises subordinate to the Union;

k) Establishment of the procedure governing the use of land, mineral wealth, forests and waters;

l) Direction of dwelling-houses and the municipal economy, dwelling house construction and the modernization of cities and other inhabited places;

[1] [Errata: Cf. Errata sheet, Cat. 116, p.i.i for addition--Analyst]

5: Amer. Russ. Inst. (no date) 1950 RG4 Estonia RG4

[Estonian constitution as of November, 1947]

642 n) Road building; direction of local transport and communications;

o) Labor legislation;

p) Direction of public health;

q) Direction of elementary, secondary and higher education;

r) Direction of the cultural, educational and scientific organizations and institutions of the Estonian SSR, and administration of the cultural, educational and scientific organizations and institutions of all-Republican importance;

s) Direction and organization of physical culture and sports;

t) Organization of the judicial organs of the Estonian SSR;

u) Granting the rights of citizenship of the Estonian SSR;

v) Amnesty and pardon of citizens convicted by judicial organs of the Estonian SSR;

w) Organization of the military formations of the Estonian SSR;

x) Establishment of the representation of the Estonian SSR in international relations.

Chapter III. The Higher Organs of State Power of the Estonian Soviet Socialist Republic

646 Art. 20. The highest organ of state power in the Estonian SSR is the Supreme Soviet of the Estonian SSR.

Art. 21. The Supreme Soviet of the Estonian SSR is elected for a term of four years by the citizens of the Estonian SSR voting by election districts on the basis of one deputy for every 10,000 of the population.

Art. 22. The Supreme Soviet of the Estonian SSR exercises all rights vested in the Estonian SSR in accordance with articles 13 and 19[2] of the Constitution of the Estonian SSR, in so far as they do not by virtue of the Constitution, come within the jurisdiction of organs of the Estonian SSR that are accountable to the Supreme Soviet of the Estonian SSR, that is, the Presidium of the Supreme Soviet of the Estonian SSR, the Council of Ministers of the Estonian SSR, and the Ministries of the Estonian SSR.

Art. 23. The Supreme Soviet of the Estonian SSR is the sole legislative organ of the Estonian SSR.

Art. 24. A law is considered adopted if passed by the Supreme Soviet of the Estonian SSR by a simple majority vote.

[643] Art. 25. Laws passed by the Supreme Soviet of the Estonian SSR are published in the Estonian and Russian languages over the signatures of the President and Secretary of the Presidium of the Supreme Soviet of the Estonian SSR.

Art. 26. The Supreme Soviet of the Estonian SSR elects a Chairman of the Supreme Soviet and two Vice-Chairmen.

Art. 27. The Chairman of the Supreme Soviet of the Estonian SSR presides at the sittings of the Supreme Soviet of the Estonian SSR and has charge of the conduct of its business and proceedings.

1 [Errata: add "and INSTITUTIONS." Cf. Errata-Sheet, Cat. 116, p. iii--Analyst]

2 [Cf. Cat. 116, pp. 2-4--Analyst]

5:Amer. Russ. Inst. (no date) 1950 RG4 Estonia RG4

[Estonian Constitution as of November, 1947]

643 Art. 28. Sessions of the Supreme Soviet of the Estonian SSR are con-
646 vened by the Presidium of the Supreme Soviet of the Estonian SSR twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Soviet of the Estonian SSR at its discretion or on the demand of one-third of the deputies to the Supreme Soviet of the Estonian SSR.

Art. 29. The Supreme Soviet of the Estonian SSR elects the Presidium of the Supreme Soviet of the Estonian SSR, consisting of a President of the Presidium of the Supreme Soviet of the Estonian SSR, two Vice-Presidents, a Secretary of the Presidium and five members of the Presidium of the Supreme Soviet of the Estonian SSR.

643 Art. 30. The Presidium of the Supreme Soviet of the Estonian SSR is accountable to the Supreme Soviet of the Estonian SSR for all its activities.

Art. 31. The Presidium of the Supreme Soviet of the Estonian SSR:

a) Convenes the sessions of the Supreme Soviet of the Estonian SSR;

b) Gives interpretations of the laws of the Estonian SSR in operation;

c) Conducts nation-wide polls (referendums);

[645] d) Annuls decisions and orders of the Council of Ministers of the Estonian SSR, and likewise decisions and orders of the district Soviets of Working People's Deputies if they do not conform to law;

e) In the intervals between sessions of the Supreme Soviet of the Estonian SSR, releases and appoints Ministers of the Estonian SSR, on the recommendation of the Chairman of the Council of Ministers of the Estonian SSR, subject to subsequent confirmation by the Supreme Soviet of the Estonian SSR;

f) Confers titles of honour of the Estonian SSR;

g) Exercises the right of pardoning citizens convicted by judicial organs of the Estonian SSR;

h) Appoints and recalls diplomatic representatives of the Estonian SSR to foreign states;

i) Receives the letters of credence and recall of diplomatic representatives accredited to it by foreign states.

646 Art. 32. The Supreme Soviet of the Estonian SSR elects a Credentials Committee to verify the credentials of the members of the Supreme Soviet of the Estonian SSR.

On the report of the Credentials Committee, the Supreme Soviet of the Estonian SSR decides whether to recognize the credentials of deputies or to annul their election.

Art. 33. The Supreme Soviet of the Estonian SSR, when it deems necessary, appoints commissions of investigation and audit on any matter.

It is the duty of all institutions and officials to comply with the demands of such commissions and to submit to them all necessary materials and documents.

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Art. 34. A member of the Supreme Soviet of the Estonian SSR may not be prosecuted or arrested without the consent of the Supreme Soviet of the

[Estonian Constitution as of November, 1947]

646 Estonian SSR, or, when the Supreme Soviet of the Estonian SSR is not in session, without the consent of the Presidium of the Supreme Soviet of the Estonian SSR.

643 646 Art. 35. On the expiration of the term of office of the Supreme Soviet of the Estonian SSR, the Presidium of the Supreme Soviet of the Estonian SSR orders new elections to be held within a period not exceeding two months from the date of expiration of the term of office of the Supreme Soviet of the Estonian SSR.

Art. 36. On the expiration of the term of office of the Supreme Soviet of the Estonian SSR, the Presidium of the Supreme Soviet of the Estonian SSR retains its powers until the newly-elected Supreme Soviet of the Estonian SSR shall have formed a new Presidium of the Supreme Soviet of the Estonian SSR.

Art. 37. The newly-elected Supreme Soviet of the Estonian SSR is convened by the outgoing Presidium of the Supreme Soviet of the Estonian SSR not later than one month after the elections.

[646] 645 Art. 38. The Supreme Soviet of the Estonian SSR appoints the Government of the Estonian SSR, namely, the Council of Ministers of the Estonian SSR.

Chapter IV. The Organs of State Administration of the Estonian SSR

Art. 39. The highest executive and administrative organ of state power of the Estonian SSR is the Council of Ministers of the Estonian SSR.

Art. 40. The Council of Ministers of the Estonian SSR is responsible and accountable to the Supreme Soviet of the Estonian SSR, or, in the intervals between sessions of the Supreme Soviet of the Estonian SSR, to the Presidium of the Supreme Soviet of the Estonian SSR.

Art. 41. The Council of Ministers of the Estonian SSR issues decisions and orders on the basis and in pursuance of the laws in operation of the USSR and the Estonian SSR, and of the decisions and orders of the Council of Ministers of the USSR, and verifies their execution.

Art. 42. Decisions and orders of the Council of Ministers of the Estonian SSR are binding throughout the territory of the Estonian SSR.

Art. 43. The Council of Ministers of the Estonian SSR:

a) Coordinates and directs the work of Republican and Union-Republican Ministries of the Estonian SSR and of other economic, administrative and cultural institutions under its jurisdiction; coordinates and directs the work of the authorised representatives of all-Union Ministries;

b) Prepares the national-economic plan of the Estonian SSR, transmits it to the Supreme Soviet of the Estonian SSR for its approval and adopts measures to carry it out;

c) Prepares the state budget of the Estonian SSR and draws up the local budgets of the Estonian SSR; transmits the state budget to the Supreme Soviet of the Estonian SSR for its approval and adopts measures for the fulfilment of the state and local budgets of the Estonian SSR;

[Estonian constitution as of November, 1947]

645

d) Adopts measures for the maintenance of public order, for the protection of the interests of the state, and for the safeguarding of the rights of citizens;

e) Directs and verifies the work of the Executive Committees of the district Soviets of Working People's Deputies;

f) Sets up, whenever necessary, special Committees and Central Administrations under the Council of Ministers of the Estonian SSR for economic and cultural affairs;

g) Directs the organization of the military formations of the Estonian SSR;

h) Exercises guidance in the sphere of the relations of the Estonian SSR with foreign states, on the basis of the general procedure established by the USSR governing the relations of Union Republics with foreign states.

Art. 44. The Council of Ministers of the Estonian SSR has the right to annul orders and instructions of the Ministers of the Estonian SSR, decisions and orders of Executive Committees of district Soviets of Working People's Deputies and likewise to suspend decisions and orders of district Soviets of Working People's Deputies.

Art. 45. The Council of Ministers of the Estonian SSR is appointed by the Supreme Soviet of the Estonian SSR and consists of:

The Chairman of the Council of Ministers of the Estonian SSR;
The Vice-Chairmen of the Council of Ministers of the Estonian SSR;
The Chairman of the State Planning Commission of the Estonian SSR;
The Ministers of the Estonian SSR of:
Defence
Foreign Affairs
Light Industry
Local Industry
The Food Industry
The Housing Construction and Building Materials Industry
The Fish Industry
The Shale and Chemical Industry
The Timber Industry
Finance
Agriculture
State Farms
Trade
Internal Affairs
State Security
Justice
Public Health
Education
Cinematography
The Municipal Economy
Social Maintenance
State Control and
The Representatives of all-Union Ministries.

[Estonian Constitution as of November, 1947]

Art. 46. The Ministers of the Estonian SSR direct the branches of state administration which come within the jurisdiction of the Estonian SSR.

Art. 47. The Ministers of the Estonian SSR, within the limits of the jurisdiction of their respective Ministries, issue orders and instructions on the basis and in pursuance of the laws in operation of the USSR and the Estonian SSR, of the decisions and orders of the Council of Ministers of the USSR and of the Council of Ministers of the Estonian SSR and of the orders and instructions of the Union-Republican Ministries of the USSR, and verify their execution.

Art. 48. The Ministries of the Estonian SSR are either Union-Republican or Republican Ministries. The following Ministries of the Estonian SSR are Union-Republican:

Ministry of Defence
Ministry of Foreign Affairs
Ministry of Light Industry
Ministry of The Food Industry
Ministry of The Fish Industry
Ministry of The Timber Industry
Ministry of Agriculture
Ministry of State Farms
Ministry of Finance
Ministry of Trade
Ministry of Internal Affairs
Ministry of State Security
Ministry of Justice
Ministry of Public Health
Ministry of Cinematography
Ministry of State Control;

The following Ministries of the Estonian SSR are Republican:

Ministry of Local Industry
Ministry of The Housing Construction and Building Materials Industry
Ministry of The Shale and Chemical Industry
Ministry of Education
Ministry of The Municipal Economy
Ministry of Social Maintenance.

Art. 49. Each Union-Republican Ministry of the Estonian SSR directs the branch of state administration of the Estonian SSR entrusted to it, with the exception of only a limited number of enterprises, according to a list confirmed by the Presidium of the Supreme Soviet of the USSR, and is subordinate both to the Council of Ministers of the Estonian SSR and the corresponding Union-Republican Ministry of the USSR.

Art. 50. Each Republican Ministry of the Estonian SSR directs the branch of state administration entrusted to it and is directly subordinate to the Council of Ministers of the Estonian SSR.

Art. 51. The Government of the Estonian SSR or a Minister of the Estonian SSR to whom a question of a member of the Supreme Soviet of the Estonian SSR is addressed must give a verbal or written reply in the Supreme Soviet of the Estonian SSR within a period not exceeding three days.

1 [Errata: insert "USSR and of the Council of Ministers of the", Cf. Errata sheet, cat. 116, p. iii' --Analyst]

5: Amer. Russ. Inst. (no date) 1950 RG4 Estonia RG4

[Estonian Constitution 25 of November, 1947]

Chapter V. The Local Organs of State Power

631 Art. 52. The organs of state power in districts, cities, volosts, settlements and villages are the Soviets of Working People's Deputies.

Art. 53. The Soviets of Working People's Deputies of districts, cities, volosts, settlements and villages are elected by the working people of the respective districts, cities, volosts, settlements and villages for a term of two years.

Art. 54. The Soviets of Working People's Deputies of districts, cities, volosts, settlements and villages direct cultural, political and economic affairs on their territory, draw up the local budgets, direct the work of the organs of administration subordinate to them, ensure the maintenance of public order, assist in strengthening the defensive capacity of the country and ensure the observance of the laws and the protection of the rights of citizens.

Art. 55. The Soviets of Working People's Deputies adopt decisions and issue orders within the limits of the powers vested in them by the laws of the USSR and the Estonian SSR.

Art. 56. The executive and administrative organ of the Soviet of Working People's Deputies of districts, cities, volosts, settlements and villages is the Executive Committee elected by it, consisting of a Chairman, Vice-Chairman, a Secretary and members.

[623] Art. 57. The executive and administrative organ of the Soviet of Working People's Deputies in small volosts, cities, settlements and villages is the Chairman, the Vice-Chairman and the Secretary elected by the Soviet of Working People's Deputies.

Art. 58. The Executive Committees of the Soviets of Working People's Deputies exercise guidance in cultural, political and economic affairs within their territory on the basis of decisions taken by the corresponding Soviets of Working People's Deputies and superior state organs.

Art. 59. Sessions of district Soviets of Working People's Deputies are convened by their Executive Committees not less than four times a year.

[623] Art. 60. Sessions of volost Soviets of Working People's Deputies are convened by their respective Executive Committees not less than six times a year.

Art. 61. Sessions of Soviets of Working People's Deputies of cities, settlements and villages are convened by their respective executive organs not less than once a month.

Art. 62. The Soviets of Working People's Deputies each elect a Chairman and a Secretary for the duration of their sessions to conduct the sittings of the sessions.

The Chairman of a village Soviet convenes the Soviet and conducts its sittings.

[Estonian constitution 23 of November, 1947]

631 Art. 63. The executive organs of the Soviets of Working People's Deputies are directly accountable both to the Soviets of Working People's Deputies which elected them and to the executive organs of the respective superior Soviets of Working People's Deputies.

Art. 64. The superior Executive Committees of the Soviets of Working People's Deputies have the right to annul decisions and orders of inferior Executive Committees and to suspend decisions and orders of inferior Soviets of Working People's Deputies.

Art. 65. The superior Soviets of Working People's Deputies have the right to annul decisions and orders of inferior Soviets of Working People's Deputies and of their Executive Committees.

632 Art. 66. The district Soviets of Working People's Deputies set up the following Departments of their Executive Committees:

- a Department of Land
- a Department of Finance
- a Department of Trade
- a Department of Public Health
- a Department of Public Education
- a Department of Local Industry
- a Department of the Municipal Economy
- a Department of Labor
- a Department of Roads
- a General Department
- a Planning Commission, and a Cadres Sector

under the Chairmen of the Executive Committees and in addition, in accordance with the specific features of the economy of the district, the district Soviets of Working People's Deputies may set up other Departments or Administrations subject to confirmation by the corresponding Ministries.

[625] Art. 67. The all-Union Ministries and the Ministry of Internal Affairs set up their Administrations under the district Soviets of Working People's Deputies in accordance with the conditions of the district and on the basis of the laws of the USSR and of the Estonian SSR.

Art. 68. The Departments and Administrations of the district Soviets of Working People's Deputies are subordinate in their activities both to the district Soviets of Working People's Deputies and their Executive Committees and to the corresponding Ministries of the Estonian SSR.

633 Art. 69. The city Soviets of Working People's Deputies set up the following Departments of their Executive Committees:

- a Department of Public Health
- a Department of the Municipal Economy
- a Department of Labour
- a Department of Public Education
- a General Department
- a Department of Social Maintenance
- a Department of Trade
- a Department of Finance
- a Planning Commission
- a Cadres Sector

5: Amer. Russ. Inst. (no date) 1950 RG4 Estonia RG4

[Estonian Constitution as of November 1947]

633 under the Chairman of the Executive Committee and, in addition, in accordance with the specific features of the city's industry and its suburban and municipal economy,

a Department of Local Industry and
a Department of Land.

Art. 70. The Departments of the city Soviets of Working People's Deputies are subordinate in their activities both to the respective city Soviets of Working People's Deputies and their Executive Committees and to the corresponding Departments of the district Soviets of Working People's Deputies.

Art. 71. The Departments of the Tallin, Tartu, Narva, Pyarnu and Paldiski City Soviets of Working People's Deputies are subordinate in their activities both to the Soviets of Working People's Deputies of these cities and their Executive Committees and to the corresponding Ministry of the Estonian SSR directly.

631 Art. 72. On the expiration of the terms of office of the Soviets of Working People's Deputies, their executive and administrative organs retain their powers until the newly elected Soviets shall have formed new executive and administrative organs.

Chapter VI. The Budget of the Estonian Soviet Socialist Republic

652 Art. 73. The state budget of the Estonian SSR is drawn up by the Council [645] of Ministers of the Estonian SSR and submitted by it to the Supreme Soviet of the Estonian SSR for its approval.

Upon its approval by the Supreme Soviet of the Estonian SSR the 646 state budget of the Estonian SSR is published for general information.

Art. 74. The Supreme Soviet of the Estonian SSR elects a Budget Commission, which reports its conclusions on the state budget of the Estonian SSR to the Supreme Soviet.

Art. 75. The report on the fulfilment of the state budget of the Estonian SSR is approved by the Supreme Soviet of the Estonian SSR and published for general information.

631 Art. 76. The budgets of the district, city, volost, settlement and village [652] Soviets include the revenues from the local economy, deductions from the state revenues collected within their territory and likewise receipts from local taxes and imposts in amounts fixed by the laws of the USSR and the Estonian SSR.

Chapter VII. The Courts and the Procurator's Office

692 Art. 77. In the Estonian SSR justice is administered by the Supreme Court of the Estonian SSR, the District Courts, the Special Courts of the USSR established by decision of the Supreme Soviet of the USSR, and the People's Courts.

[Estonian constitution as of November, 1947]

693 Art. 78. In all Courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

692 Art. 79. The Supreme Court of the Estonian SSR is the highest judicial organ of the Estonian SSR. The Supreme Court of the Estonian SSR is charged with the supervision of the judicial activities of all the judicial organs of the Estonian SSR.

446 Art. 80. The Supreme Court of the Estonian SSR is elected by the Supreme Soviet of the Estonian SSR for a term of five years.

Art. 81. District Courts are elected by the district Soviets of Working People's Deputies for a term of five years.

Art. 82. People's Courts are elected by the citizens of the cities and volosts on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

695 [523] Art. 83. Judicial proceedings in the Estonian SSR are conducted in the Estonian and Russian languages, persons not knowing these languages being guaranteed the opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

Art. 84. In all Courts of the Estonian SSR cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to defense.

693 Art. 85. Judges are independent and subject only to the law.

Art. 86. Supreme supervisory power to ensure the strict observance of law by all Ministries and institutions subordinated to them, as well as by officials and citizens within the territory of the Estonian SSR generally, is exercised by the Procurator-General of the USSR directly and also through the Procurator of the Estonian SSR.

Art. 87. The Procurator of the Estonian SSR is appointed by the Procurator-General of the USSR for a term of five years.

Art. 88. District and city procurators are appointed by the Procurator of the Estonian SSR subject to the approval of the Procurator-General of the USSR for a term of five years.

Art. 89. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the USSR.

Chapter VIII. Fundamental Rights and Duties of Citizens

641 461 Art. 90. Citizens of the Estonian SSR have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

[Estonian Constitution as of November, 1947]

641 VCI The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises and the abolition of unemployment.

Art. 91. The citizens of the Estonian SSR have the right to rest and leisure.

[466] The right to rest and leisure is secured by the establishment of an eight-hour day for the overwhelming majority of workers, by the institution of annual vacations with full pay for factory and office workers, and by the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of working people.

641 [657] Art. 92. Citizens of the Estonian SSR have the right to maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of factory and office workers at state expense, free medical service for working people, and the provision of a wide network of health resorts for the use of the working people.

[871] Art. 93. Citizens of the Estonian SSR have the right to education.

This right is ensured by universal and compulsory elementary education; by free education up to and including higher education; by a system of state stipends for the overwhelming majority of students of higher educational institutions; by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, and machine and tractor stations of free vocational, technical and agronomic training for the working people.

[562] Art. 94. Women in the Estonian SSR are accorded equal rights with men in all spheres of economic, government, cultural, political and other public activity.

The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education, by state protection of the interests of mother and child, maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

[563] Art. 95. Equality of rights of citizens of the Estonian SSR, irrespective of their nationality or race, in all spheres of economic, government, cultural, political and other public activity, is an indefeasible law.

Any direct or indirect restriction of the rights of, or, conversely, the establishment of any direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

[659] Art. 96. In order to ensure the citizens freedom of conscience, the church in the Estonian SSR is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

5:Amer. Russ. Inst. (no date)-1950 RG4 Estonia RG4

[Estonian Constitution as of November, 1947]

641 Art. 97. In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the Estonian SSR are guaranteed by law:

a) freedom of speech;
b) freedom of press;
c) freedom of assembly, including the holding of mass meetings;
d) freedom of street processions and demonstrations;

These civil rights are ensured by placing at the disposal of the working people and their organisations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

[575] Art. 98. In conformity with the interests of the working people, and in order to develop the organisational initiative and political activity of the masses of the people, citizens of the Estonian SSR are guaranteed the right to unite in public organisations: trade unions, cooperative societies, youth organisations, sport and defence organisations, cultural, technical and scientific societies; and the most active and politically-conscious citizens in the ranks of the working class and other sections of the working people unite in the Communist Party of the Soviet Union (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organisations of the working people, both public and state.

[694] Art. 99. Citizens of the Estonian SSR are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a procurator.

Art. 100. The inviolability of the homes of citizens and privacy of correspondence are protected by law.

Art. 101. The Estonian SSR affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation.

Art. 102. It is the duty of every citizen of the Estonian SSR to abide by the Constitution of the Estonian Soviet Socialist Republic, to observe the laws, to maintain labour discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

[685] [421] Art. 103. It is the duty of every citizen of the Estonian SSR to safeguard and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperity and culture of all the working people.

Persons committing offences against public, socialist property are enemies of the people.

Art. 104. Universal military service is law.

Military service in the Red Army is an honourable duty of the citizens of the Estonian SSR.

[685] Art. 105. To defend the country is the sacred duty of every citizen of the Estonian SSR. Treason to the motherland - violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage - is punishable with all the severity of the law as the most heinous of crimes.

5:Amer. Russ. Instr. (no date) 1950 RG4 Estonia RG4

[Estonian Constitution as of November, 1947]

000 ...ason - is punishable with all the severity of the law as the most heinous ... crimes.

Chapter IX. The Electoral System

666 Art. 106. Members of all Soviets of Working People's Deputies - of the Supreme Soviet of the Estonian SSR and of the district, city, volost, settlement and village Soviets of Working People's Deputies - are chosen by the electors on the basis of universal, equal and direct suffrage by secret ballot.

Art. 107. Elections of deputies are universal: all citizens of the Estonian SSR who have reached the age of eighteen, irrespective of race or nationality, sex, religion, education, domicile, social origin, property status or past activities, have the right to vote in the election of deputies and to be elected, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights.

[641] Every citizen of the Estonian SSR who has reached the age of twenty-one is eligible for election to the Supreme Soviet of the Estonian SSR, irrespective of race, nationality, sex, religion, education, domicile, social origin, property status or past activities.

Art. 108. Elections of deputies are equal: each citizen has one vote; all citizens participate in elections on an equal footing.

[562] Art. 109. Women have the right to elect and be elected on equal terms with men.

Art. 110. Citizens serving in the Red Army have the right to elect and be elected on equal terms with all other citizens.

Art. 111. Elections of deputies are direct: all Soviets of Working People's Deputies, from village and city Soviets of Working People's Deputies to the Supreme Soviet of the Estonian SSR are elected by the citizens by a direct vote.

Art. 112. Voting at elections of deputies is secret.

Art. 113. Candidates are nominated by election districts.

The right to nominate candidates is secured to public organizations and societies of the working people: Communist Party organizations, trade unions, cooperatives, youth organizations and cultural societies.

Art. 114. It is the duty of every deputy to report to his electors on his work and on the work of his Soviet of Working People's Deputies, and he may be recalled at any time upon decision of a majority of the electors in the manner established by law.

Art. 115. Elections to the Soviets of Working People's Deputies of the Estonian SSR are held by election districts on the basis of representation fixed by the Ordinance Concerning Elections to Soviets of Working People's Deputies of the Estonian SSR.

[Estonian Constitution as of November, 1947]

Chapter X. Arms, Flag, Capital

186 Art. 116. The arms of the Estonian SSR are a sickle and hammer against the rays of the rising sun surrounded by a wreath formed on the left side by pine branches and on the right by ears of rye. Both sides of the wreath are interwoven by a red band bearing the inscription "Workers of All Countries, Unite!" in the Estonian and Russian languages and below the initials "Eesti NSV". At the top of the arms is a five-pointed star.

Art. 117. The state flag of the Estonian SSR is of red cloth with a gold sickle and hammer and the gold letters "ENSV" in the upper corner near the staff. The ratio of width to length is 1:2.

Art. 118. The capital of the Estonian Soviet Socialist Republic is the City of Tallin.

Chapter XI. Procedure for Amending the Constitution

642 646 Art. 119. The Constitution of the Estonian SSR may be amended only by decision of the Supreme Soviet of the Estonian SSR adopted by a majority of not less than two-thirds of the votes of the Supreme Soviet.

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000 Note: The Russian text from which this translation was made was published by Kgiz (Estonian State Publishing House) Politicheskaya Literatura, Tallin, 1947.

5: American Russian Institute
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RG4 Estonia RG4

[For the complete text of the Constitution of the Estonian Soviet Socialist Republic of August 25, 1940 as amended to November 1947, see category 116, entire source]

113, 642 Estonia RG4

[For comparisons of the Estonian Soviet Socialist Republic of August 25, 1940 as amended to November 1947 with other constitutions of the Soviet Union, see 70: American Russian Institute, R1 Soviet Union, category 116.]